

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES PIPE AND FOUNDRY	)	
COMPANY,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 1:05-CV-329
	)	
UNITED STEELWORKERS OF AMERICA	)	Chief Judge Curtis L. Collier
and UNITED STEEL WORKERS OF	)	
AMERICA, LOCAL 3508	)	
	)	
<i>Defendants.</i>	)	

**ORDER**

From the information furnished to the Court by the parties, it is apparent the United States Pipe and Foundry Company plant at issue in this case has closed. Based upon the closing it is possible the Court lacks subject matter jurisdiction to hear this case because there may not be a redressable injury in light of the problems associated with Mr. Patterson's inability to be reinstated to a position that no longer exists and the Company's inability to subcontract out work at a plant that is not in operation. As stated by the United States Court of Appeals for the Sixth Circuit:

A federal court has no authority to render a decision upon moot questions or to declare rules of law that cannot affect the matter at issue. *Church of Scientology v. United States*, 506 U.S. 9, 12, 121 L. Ed. 2d 313, 113 S. Ct. 447 (1992). A case becomes moot "'when the issues presented are no longer 'live' or parties lack a legally cognizable interest in the outcome.'" *County of Los Angeles v. Davis*, 440 U.S. 625, 631, 59 L. Ed. 2d 642, 99 S. Ct. 1379 (1979) (quoting *Powell v. McCormack*, 395 U.S. 486, 496, 23 L. Ed. 2d 491, 89 S. Ct. 1944 (1969)). In other words, a case becomes moot only when subsequent events make it absolutely clear that the allegedly wrongful behavior cannot reasonably be expected to recur and "interim relief or events have completely and irrevocably eradicated the effects of the alleged violation." *Id.*

*Cleveland Branch, NAACP v. City of Parma*, 263 F.3d 513, 530-31 (6th Cir. 2001). In federal cases "an actual controversy must be extant at all stages of review, not merely at the time the complaint

if filed.” *Arizonans for Official English v. Arizona*, 520 U.S. 43, 68 (1997) (citations omitted). “A federal court has neither the power to render advisory opinions nor to decide questions that cannot affect the rights of litigants in the case before them.” *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975)(internal quotation marks omitted). The Court **ORDERS** the parties to brief the issue of mootness. Parties will simultaneously file briefs on or before **October 20, 2006** and response briefs on or before **October 30, 2006**.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**